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NEWSLETTER

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GIFTS

During this time of the year, many questions are raised concerning the acceptance of gifts by public officials and public employees. The State Ethics Commission has rendered advisory opinions in the past concerning general guidelines for the acceptance of gifts.

Regulatory agency officials and employees are prohibited by Section 8-13-490 from accepting "anything of value" from persons or businesses which are regulated by that agency. "Anything of value" is defined as "...any item, article, money, or thing of monetary worth, but shall not include food and beverage of nominal cost which is consumed at the time presented and in the presence of the donor and any item of nominal value not to exceed ten dollars." Such gifts, however, should be accepted only after reflection of the circumstances since occasional gifts of nominal value can result in anticipated action. Therefore, the Commission has advised that gifts under certain circumstances have the appearance of impropriety and should not be accepted.

The Commission has also advised in other advisory opinions that gifts to police officers, while not specifically prohibited, have the appearance of impropriety and should be carefully avoided.

In general, however, gifts of nominal value, when given without any intent to influence a person in his official capacity are not prohibited.

NEW FORMS TO BE MAILED IN DECEMBER

The State Ethics Commission has approved new Statement of Economic Interests and Campaign Disclosure Forms for filing during calendar year 1980. These forms have been redesigned to provide for easier filing. Additional instructions have been provided.

The Statement of Economic Interests provides limited instructions on the face of the form for each of the required items.

The Campaign Disclosure Form provides for more detailed reporting of campaign loans and repayments as well as additional instructions concerning in-kind contributions. An additional schedule has been provided for disclosure of loans and repayments. An updated Campaign Disclosure Manual will be available in January 1980.

The new forms will be mailed to the administrators of each public agency about the middle of December. If you fail to receive your supply of forms prior to January 1, please notify the Commission office. The forms are mailed to State agency heads, county administrators, county Clerks of Court, Mayors, School Board Chairmen, School Superintendents, and the Chief Administrator of Hospitals, Libraries, Airport Commissions, Planning Councils, Community Action Agencies, and County Election Commissions. Additional copies may be obtained from the Commission office.

ELECTION ON THE HORIZON?

The State Ethics Act provides that candidates for public office shall file a Statement of Economic Interests within twenty days after becoming a candidate. A candidate is any person who has filed a declaration of candidacy or a petition to appear on the ballot.

A recurring question concerns the time a petition candidate becomes a candidate. The State Ethics Act provides that such a person becomes a candidate when the petition is filed, not when the petition forms are picked up or when the petition has been certified. Thus, the person becomes a candidate on the date of placing the petition in the hands of the proper election official and must then file the Statement of Economic Interests within twenty days after that date.

Officials responsible for elections are requested to provide the State Ethics Commission with the names of candidates and the date they became a candidate. This listing should be provided as soon as possible after deadline for acceptance of candidacy declarations or petitions. The Commission will review its records to determine if all candidates have properly filed and will notify the proper election official.

CANDIDATES AND COMMITTEES

All candidates for public office whether successful or not, and any committees or groups which receive or solicit funds to support candidates for public office file a Campaign Disclosure Form within thirty days after each election in which they are involved.

DISCLOSURES ON FILE LOCALLY

The Statement of Economic Interests and the Campaign Disclosure Forms are on file locally with the Clerk of Court. The State Ethics Act provides that the supervisory office receiving these forms will provide a copy of each statement to the Clerk of Court in the county of residence of the person making that filing. These records are also a matter of public record and are open to public inspection upon request.

The original copy of these filings is maintained in the supervisory office. At the State Ethics Commission, copies may be reviewed at no charge during normal working hours 8:30 - 5:00. If copies of any file are desired, a fee of \$2.00 per file is charged for copying and handling.

✓ PROPOSED AMENDMENTS TO ETHICS ACT

The State Ethics Commission is considering legislative proposals prepared by the Commission staff.

The Commission has proposed eliminating the \$20,000 reporting threshold for filing the Statement of Economic Interests. Instead, all State agency heads and deputies, the chief administrative official or employee in each political subdivision, and each chief purchasing and finance official in each public agency file the Statement. Also required is disclosure by school board trustees and superintendents and deputy superintendents. Persons appointed to fill otherwise elective offices would also be required to file.

The Commission has recommended provisions requiring all committees to register at least ten days prior to accepting contributions or making expenditures. The proposal also calls for candidates to file their Statement of Economic Interest at the same time and place as they file their declaration of candidacy or petition to appear on the election ballot.

Proposed also is a provision prohibiting any public official or employee from representing clients before any agency or board whose members are elected or appointed by that person's agency. The prohibition against public officials and public employees appearing before the Public Service Commission, Dairy Commission, and Insurance Commission has been modified to prohibit such appearances only by members of the General Assembly.

The proposed amendments detail the procedures to be utilized by a public official or public employee with a potential conflict and provides that officials or employees of regulatory agencies may not accept anything of value when the intent is to influence the person in his official actions or decisions.